

**BEFORE THE BOARD OF DENTAL EXAMINERS
OF THE STATE OF IOWA**

IN THE MATTER OF:)

MAHNAZ BADIHIAN, D.D.S.)

350 Beaver Creek Center)

North Liberty, IA 52317)

NOTICE OF HEARING

License #7569)

Respondent)

You are hereby notified that on October 26, 2001, the Board found probable cause to file a Statement of Charges against you. If any of the allegations against you are founded, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A, 147, 153, and 272C (2001), and 650 Iowa Administrative Code Chapter 51. A copy of the Statement of Charges is attached, and sets forth the particular statutes and rules which you are alleged to have violated, and further provides a short and plain statement of the matters asserted.

IT IS HEREBY ORDERED that a disciplinary contested case hearing be held upon the Statement of Charges on January 16, 2002, before the full Board or a panel of the Board. The hearing shall begin at 10:00 a.m. and shall be located in the 1st Floor Conference Room, Iowa Board of Dental Examiners at 400 SW 8th Street, Ste D, Des Moines, Iowa. The Board shall serve as presiding officer, but the Board may request an

Administrative Law Judge make initial rulings on prehearing matters, and be present to assist and advise the Board at hearing.

Within twenty (20) days of the date you are served with the Statement of Charges and Notice of Hearing, you are required by 650 Iowa Administrative Code 51.12(2) to file an Answer to the Charges. In that Answer, you should also state whether you will require an adjustment of the date and time of the hearing.

At hearing, you may appear personally or be represented by counsel at your own expense. You will be allowed the opportunity to respond to the Charges against you. The procedural rules governing the conduct of the hearing are found at 650 Iowa Administrative Code Chapter 51.


The office of the Attorney General is responsible for representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address:

Theresa O'Connell Weeg
Assistant Attorney General
Iowa Attorney General's Office
2nd Floor, Hoover State Office Building
Des Moines, IA 50319
Phone (515) 281-6858

If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence, in accordance with Iowa Code section 17A.12(3) and 650 Iowa Administrative Code 51.22.

This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 650 Iowa Administrative Code 51.19. If you are interested in pursuing settlement of this matter, please contact Constance L. Price, Executive Director, at 515-281-5157.

Dated this 26th day of October, 2001.



LEROY I. STROHMAN, D.D.S.
Chairperson
Iowa Board of Dental Examiners
400 SW 8th Street, Ste. D
Des Moines, IA 50309

cc: Theresa O'Connell Weeg
Assistant Attorney General
Office of the Attorney General
Hoover State Office Building
Des Moines, IA 50319

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IN THE MATTER OF:)	
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North Liberty, IA 52317)	STATEMENT OF CHARGES
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Respondent)	

- 1) The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 153 and 272C (2001).
- 2) On July 1, 1992, Mahnaz Badihian, D.D.S., the Respondent, was issued license number 7569 by the Board to engage in the practice of dentistry, subject to the laws of the State of Iowa and the rules of the Board.
- 3) License number 7569 is current and on active status until June 30, 2002.

COUNT I

The Respondent is charged with failure to maintain a reasonably satisfactory standard of competency in the practice of dentistry, in violation of Iowa Code Section 153.34 (9) (2001) and 650 Iowa Administrative Code Section 30.4(16).

COUNT II

The Respondent is charged under Iowa Code Section 153.34(4) (2001) with willfully or repeatedly violating a Board rule by failing to protect the health of patients by assigning unlicensed auxiliary staff duties which cannot be legally delegated to them, which is in violation of 650 Iowa Administrative Code Section 27.5.


COUNT III

The Respondent is charged under Iowa Code Section 153.34(4) (2001) with willfully or repeatedly violating a Board rule by allowing dental assistants to engage in dental radiography without meeting the requirements of 650 Iowa Administrative Code 22.3 and 22.4.

THE CIRCUMSTANCES

1. Iowa law requires that a person engaged in dental radiography meet specific training requirements pursuant to Iowa Code Section 136C, and 650 Iowa Administrative Code Sections 22.3 or 22.4.
2. Respondent regularly employs dental assistants that engage in dental radiography who have not met the specific training requirements required in 650 Iowa Administrative Code Sections 22.3 or 22.4.
3. Respondent allowed a dental assistant to remove a working length file from a canal while performing an endodontic procedure on Patient M.B.
4. A Board consultant reviewed multiple endodontic procedures completed by Respondent and concluded the following:
 - a. Respondent failed in several cases to meet the standard of care in endodontics for failing to utilize a rubber dam during treatment.
 - b. On patient G.H. Respondent billed patient for a root canal, but no entry was made into the patient's clinical records indicating that a root canal was ever done.

On this 26th day of October, 2001, the Iowa Board of Dental Examiners found probable cause to file this Statement of Charges and to order a hearing in this case.



LEROY I. STROHMAN, D.D.S.
Chairperson
Iowa Board of Dental Examiners
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Des Moines, IA 50309

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